Danner, Ward

From: Carmen Santos <Santos.Carmen@epamail.epa.gov>
Sent: Wednesday, March 27, 2013 12:23 PM
To: Santos, Carmen
Subject: Fw: PCBs at Aspire Property (66th Avenue, Oakland, CA)

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***"Think left and think right and think low and think high. Oh, the thinks you can think up if only you try!"* Dr. Seuss**

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----- Forwarded by Carmen Santos/R9/USEPA/US on 03/27/2013 12:22 PM -----

From: Carmen Santos/R9/USEPA/US
To: "Goloubow, Ron" ,
Cc: Patrick Wilson/R9/USEPA/US@EPA, Carmen Santos/R9/USEPA/US@EPA
Date: 10/13/2009 03:09 PM
Subject: PCBs at Aspire Property (66th Avenue, Oakland, CA)

Dear Ron Goloubow:

Thank you for making contact with USEPA Region 9 (USEPA) to determine if the Toxic Substances Control Act (TSCA) regulations for polychlorinated biphenyls (PCBs) in 40 CFR Part 761 (the “PCB Regulations”) apply to the Aspire property (site) on 66th Avenue (between East 14th Street and San Leandro Street) in Oakland. You work with LFR who is Aspire's consultant. Aspire plans to build a school (middle / high school combined) at its property. PCBs are present in soils at the site among other contaminants.

We believe that TSCA requirements apply to the cleanup of PCBs at the site based on the information we have reviewed in the LFR /Arcadis July 9, 2009 revised Corrective Action Plan (CAP). Section 4.1.1 of the CAP states that "[d]ocumented releases of hazardous materials at the Site include petroleum hydrocarbon compounds (from the former UST) and PCBs (presumably from their manufacture and service of transformers and other electrical equipment components)." We clarify that although soil sampling / analysis data presented in the CAP show PCBs mostly at concentrations below 50 mg/kg (ppm) and one hot spot at 69.68 ppm PCBs, releases from at least Pacific Electric Motors (PEM) resulted in the PCB contamination at the site. Soils with PCB concentrations up to 45,470 ppm were excavated by PEM under the oversight of Alameda County Department of Environmental Health (ACDEH). Based on the CAP, Pacific Electric Motors operations involved manufacturing and servicing of transformers and other electrical equipment components. TSCA requirements apply at the site. Therefore, this message provides guidance on PCB cleanup options available under TSCA and some recommendations.

Based on the CAP (LFR / Arcadis) and as a prelude to the recommendations that we are making later in this message, we include below a brief summary of site operations and ownership.

- Pacific Electric Motors (PEM) occupied the site from 1949 to 2001.
- PEM constructed the two buildings that currently occupy the site: the Manufacturing / Office Building and the Warehouse.
- At the site, PEM was involved with manufacturing of specialty magnets, power supplies, and components; and repairing of transformers, motors, generators and magnets.

- In about 1975, PEM installed at the site a 2, 000-gallon gasoline underground storage tank.
- PEM may have stored vehicle lubricants and oil for vehicle maintenance.
- Among others, waste water discharges in the past included air compressor condensate.
- Highest documented concentration of PCBs in soils at the former PEM site is 45,470 mg/kg.
- Mo Dad Properties acquired the site in 2001; and the on-site buildings were occupied by Bay Area Powder Coatings.
  Bay Area Coatings declared bankruptcy.
- Landeros Iron Works subleased the property from Bay Area Coatings and vacated the site in 2008.
- The site is currently vacant and the original structures still remain.

In addition to the above, we understand that in 1992 and 1993, PEM conducted soil investigations as required by ACDEH. Approximately, 400 cubic yards of soil that contained up to 45,470 mg/kg PCBs as Aroclor 1260 were excavated and disposed offsite. ACDEH had required PEM to meet a 1 mg/kg PCB level in soils as the excavation remedial goal. ACDEH issued a "No Further Action" letter to PEM after completion of the soil removal activities.

Current PCB Contamination

Based on the data presented in the CAP, PCB-contaminated soils are still present at the site: samples taken of the Northern Area have PCBs below 50 ppm (ranging from not detected to 21.34 ppm PCBs) and samples taken in the Southern Area show PCBs above 50 ppm (samples range from not detected to one sample at 69.68 ppm PCBs). The CAP does not provide the basis for the areas at the site that were investigated for PCBs and LFR believes the investigated areas were targeted based on the operations conducted at the site.

Lacking additional information on the site, it is uncertain if previous soil investigations for PCBs identified all potential PCB source areas (based on PEM and others that occupied the site) and if such investigations involved the entire 2.5-acre site. For example, it is uncertain if historic and most recent soil investigations included a PCB assessment in the area of the steam-cleaning sump where the water was found to contain traces of PCBs (CAP, Section 2.1.2). If the sump is still present at the site, is it made of concrete and if it is, have bulk concrete samples been collected from the concrete, and soil samples collected beneath and in proximity to the sump?

Discharges of "air compressor condensate" occurred at the site and these discharges may have contained PCBs depending on the age and type of compressor used and the oil contained in the compressor. Releases of oil from transformers and other electrical equipment potentially containing PCBs also occurred at the site. In addition, several types of oils were stored at the site some of which were used for vehicle maintenance. A possibility exists that some of these oils may have been hydraulic fluids (PCBs were also added to hydraulic oils in the past) or other oils (potentially containing PCBs) used to service other equipment on site like air compressors. Aroclor 1260, which is associated with transformer oils, hydraulic fluids, and other applications, was detected in soils at the site.

Section 8.1.1 (Site Management) of the "Implementation Plan" (Section 8.0) of the CAP states that building materials will be removed from the site and reference is made to materials such as lead-based paint and asbestos containing material (such as transite [asbestos concrete] pipes. We understand that building structures existing at the site are made of metal (on concrete slab) and will be demolished before construction of the school. We also understand that PEM constructed these buildings in the late 1940s.

Alternatives for PCB Cleanup

Based on the limited information that we have reviewed, cleanup of the site and demolition activities will involve the need to properly dispose of PCB remediation wastes (including bulk PCB remediation waste such as soils) and PCB bulk product wastes. The terms PCB remediation waste and PCB bulk product waste are defined in the PCB Regulations at 40 C.F.R. 761.3.

Section 761.61 maps out the requirements of the PCB Regulations for cleanup and disposal of PCB remediation wastes while section 761.62 sets out the requirements for disposal of PCB bulk product waste. Self-implementing procedures for cleanup and disposal of PCB remediation wastes can be found at 40 CFR 761.61(a) and the procedure for a risk-based disposal approval is found at 40 CFR 761.61(c). The http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr761_08.html link will take you to the PCB regulations in the electronic Code of Federal Regulations after you paste it in your web browser. PCB remediation waste and PCB bulk product waste are defined in 40 CFR 761.3.

Adequate characterization of the site is required for the self-implementing procedure. See 40 C.F.R. 761.61(a)(2). The self-implementing procedures set out in section 761.61(a) may **not** be used to clean up surface or ground waters; sediments in marine and freshwater ecosystems; sewers or sewage treatment systems; any private or public drinking water sources or distribution systems; grazing lands; or vegetable gardens. See 40 CFR 761.61(a)(1).

Therefore, the site characterization in the notification submitted to USEPA should clearly explain what has been contaminated by PCBs and all reasonably foreseeable uses of the property given its proposed use as a school. For example, many schools in California have installed vegetable gardens as part of their educational curriculums and therefore the potential for asphalt or concrete being removed for a vegetable garden at some time in the future should be evaluated. The change in the use of the Aspire site is relevant to the required cleanup level and the procedures which apply. USEPA has the authority to require cleanup of a site, or portions of it, to more stringent cleanup levels than are otherwise required by the self-implementing procedures, based on the proximity to areas such as schools. See 40 CFR 761.61(a)(4)(vi).

The risk based option authorized by section 761.61(c) of the PCB Regulations requires a risk evaluation for on-site cleanup and disposal of PCB remediation waste in addition to the notification and certification requirements specified in subsection 761.61(a)(3). The risk based disposal option is used by parties when they want to cleanup a site, collect samples, or dispose of PCB remediation waste in a manner different than prescribed in section 761.61(a) or when the self-implementing procedures are not applicable.

Under both PCB cleanup options, a Notification and Certification must be submitted to USEPA in accordance with subsection 761.61(a)(3) of the PCB Regulations and this notification involves characterizing the site adequately. The certification required in subsection 761.61(a)(3) should include all of the information specified by that provision and a certification meeting all the requirements of sections 761.3 (defining certification) and 761.61(a)(3)(i)(E) of the PCB Regulations. For cleanups where the self-implementing procedure is allowable and the option being pursued, USEPA will respond in writing (approving of the self-implementing cleanup, disapproving of the self-implementing cleanup, or requiring additional information) within 30 calendar days. USEPA has no mandated time frame to approve a risk-based application for a PCB cleanup. Cleanup and verification of a cleanup conducted under the PCB self-implementing cleanup option must be conducted in accordance with all the applicable requirements in 761.61(a), including 761.61(a)(6).

<u>PCB contaminated soils at the site that will be disposed offsite are PCB bulk remediation waste. Disposal of these soils should be based on as found (in situ) PCB concentrations, not on the concentration of the soil after it has been excavated and placed in a pile.</u>

Other PCB remediation wastes expected to be generated as part of the cleanup include concrete surfaces at the site contaminated with PCBs, personal protective equipment, cleanup wastes, and liquids. Disposal requirements for these wastes are in 40 CFR 761.61(a)(5). In addition, decontamination of sampling and equipment and disposal of decontamination residues should be conducted in accordance with 40 CFR 761.79 (c), (d), (e), (f), and (g).

The CAP contains a good portion of the information required in the Notification and Certification which must be submitted to USEPA for either the self-implementing or risk based PCB cleanup options, but USEPA needs more detailed information. See below.

The extent of PCB contamination has to be clearly discussed as well as any information concerning PCB sources at the site. The extent of contamination is not clear to USEPA so the site investigation uncertainties mentioned earlier in this message should be addressed in the cleanup plan. The cleanup plan should present PCB analysis data as total PCBs and speciated Aroclors (e.g., Aroclor 1242, Aroclor 1260).

<u>Recommendations</u>

We recommend the following:

- The characterization of the Aspire site still contains data gaps and uncertainties. Some of these uncertainties were described earlier in this message. As required by 40 CFR 761.61(a)(2), characterize the Aspire site in more detail to provide USEPA with adequate information concerning the nature of the contamination, including: (a) kinds of materials contaminated; (b) a summary of the procedures used to sample contaminated and adjacent areas and a table or cleanup site map showing PCB concentrations measured in all pre-cleanup characterization samples. The summary must include sample collection and analysis dates. USEPA will require more detailed information including additional characterization sampling - see below. (c) The location and extent of the identified contaminated area, including topographic maps with sample collection sites cross referenced to the sample identification numbers in the data summary. (d) A cleanup plan for the site, including schedule, disposal

technology, and approach. This plan should contain options and contingencies to be used if unanticipated higher concentrations or wider distributions of PCB remediation waste are found or other obstacles force changes in the cleanup approach.

- Utilize Subpart N of the PCB Regulations, which sets out a method for collecting new site characterization data, for assessing the sufficiency of existing site characterization data.
- Utilize Subpart O to verify that cleanup levels have been met after characterization and cleanup have been conducted.
- Utilizing appropriate procedures as specified in the PCB Regulations, collect additional soil data at the Aspire site to determine if PCBs are present in other areas (e.g., steam cleaning sump) of the site. Additional soil samples should be collected in areas where PCBs may be a co-contaminant and in areas where PCB samples were not collected and TPH is or may be present and enhancing the solubility of PCBs in soils.
- Provide adequate information to characterize whether the PCBs at the Aspire site have migrated to groundwater (such as ground water samples).
- The July 9, 2009 revised CAP includes the ACDEH PCB cleanup level of 0.39 ppm for soils. The self implementing PCB cleanup regulations in 40 CFR 761.61(a)(4) requires a PCB cleanup level for high occupancy areas equal to or below 1 ppm without further restrictions, but USEPA has the authority to impose more stringent requirements if needed due to considerations such as proximity to a school. In some circumstances a cleanup goal lower than the level set by ACDEH might be appropriate. EPA has not yet made a determination regarding the appropriate cleanup level in this instance. If made available to USEPA, we will review the calculations and basis used in developing the 0.39 ppm PCB cleanup goal in the CAP. Whatever cleanup goal is ultimately adopted as the cleanup level for the TSCA cleanup, the owner of the property would be required to meet the cleanup level adopted for the TSCA cleanup.
- PCB bulk product waste: We believe that PCB bulk product waste will be generated during demolition of the structures at the site. Although a specific approval from USEPA is not necessary for removal and disposal of PCB bulk product waste, we recommend that the LFR / Arcadis PCB cleanup plan also include a section on removal and disposal of PCB bulk product waste. Given the age of the structures, we recommend a survey be done on these structure to determine PCB products that may be involved. For example the metal walls of the buildings may be made of metal siding that may be coated with a PCB coating like Galbestos. If manufactured with this coating the metal walls of the building would be a PCB bulk product waste.

I hope the above information is useful in preparing a PCB cleanup plan that meets TSCA requirements. Please call me if you have any questions concerning this message.

Sincerely,

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